

REMARKS

This Amendment is in response to the Office Action of August 17, 2009 in which claims 1-33 are pending.

Regarding the 35 U.S.C. Section 112, second paragraph, rejection of claims 22-33, claim 22 has been amended to add a processor. Support may be found at page 11, lines 15-16 of the as-filed specification. Withdrawal of the indefiniteness rejection is requested.

Regarding the statutory subject matter rejection of claim 22-33, a wireless terminal is not software, it is statutory as such. Moreover, claim 22 has been amended to include the processor limitation which ties the claims 22-33 even more closely to tangible hardware. Withdrawal of the statutory subject matter rejection is requested.

Regarding the objection to claims 32 and 33, the preambles thereof have been amended as suggested by the Examiner and withdrawal of the rejection is requested.

Regarding the novelty rejection based on *Chen et al* (US Patent Application Publication No. 2002/0086706), the Examiner's statement in the fourth full paragraph in Section 9 on page 4 of the Detailed Action states that the transmitting taking place in the *Chen et al* reference is from "the" wireless terminal referred to in the previous paragraph, as also claimed in all of the independent claims 1, 13 and 22.

However, it cannot be seen from within the *Chen et al* reference where transmission of a first set of user identification parameters to a server is initiated from "a" wireless terminal over a first communication path and where a second set of user identification parameters are transmitted from "the" previously claimed wireless terminal to the server over a second communication path.

The *Chen et al* reference appears that it might show authentication of a given mobile station over a first communication path to a server but does not show that mobile station transmitting a second set of user identification parameters to the server over a second communication path. The cited paragraphs [0036] and [0037] on pages 2 and 3 of the *Chen et al* reference merely disclose identification parameters sent to the server over a first communication path, not a second set of user identification parameters transmitted to the server over a second communication path.

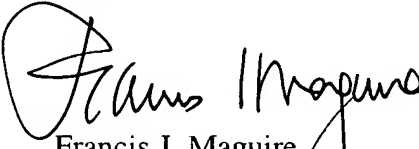
The Examiner is possibly viewing the individual mobile stations of the *Chen et al* reference as possibly containing multiple communication network capabilities possibly running in parallel. If that is the case, that consideration would fail to take into account the "obtaining access" in dependence on authentication by the server based on a match between the first set of user identification parameters and the second set of user identification parameters.

The Examiner's reference to pages 4 and 6 at Section [0053] and [0071] do not disclose this limitation; rather what is disclosed is that since the mobile device server interacts with multiple networks and protocols, the server relies on different authentication mechanisms. It further discloses that these variety of authentication techniques include cell phone identification on wireless phone networks, AOL Buddy Names on the AIM network, and generic user ID and password information for WAP, HTTP and telnet clients. This means that the server, in interacting with various mobile stations, is made capable through its interface "devlets" to communicate with different mobile stations for facilitating communications. It does not mean that there is an authentication by the server based on a match between the first set of user identification parameters and the second set of user identification parameters sent by "the" wireless terminal. The cited paragraphs merely disclose that the technique used by the mobile device server to authenticate a mobile user depends on the device or protocol used.

Therefore, there is no transmission of two sets from "the" wireless terminal and there is no obtaining of access at "the" wireless terminal to "a" service in dependence on "an" authentication by the server based on a match between the first set of user identification parameters and the second set of user identification parameters. Withdrawal of the novelty rejection of claims 1-33 is requested.

The objections and rejections of the Office Action of August 17, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-33 to issue is earnestly solicited.

Respectfully submitted,



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